

1 **Andrew J. Moore**
2 **7107 Broadway AVE**
3 **Lemon Grove Ca 91945**

FILED

07 OCT 29 PM 3: 59

4 **UNITED STATES DISTRICT COURT**
5 **SOUTHERN DISTRICT OF CALIFORNIA**

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

6
7 People of the state of
8 California

9 Fictitious plaintiff

10 vs.

11 **Andrew J. Moore**

12 Defendant

13 Officer stone/ **Victor Morel** #2312 ,

14 Third Party Defendant

) Case No.: **07CV 2059 JM (RLM)**
) **NOTICE OF REMOVAL OF**
) **STATE ACTION**
) **(Originally filed as Case No.**
)
)
) **28 USC 1443 (1)**
)

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16
17 TO THE FICTITIOUS PLAINTIFF HERETO:

18 NOTICE IS HEREBY GIVEN that Defendant Andrew J. Moore hereby
19 removes this action from the Superior Court of California
20 Southern Judicial District to the United States District Court
21 for the Southern District of California.

22 The grounds for removal are as follows:

- 23
24 1. **I Andrew J. Moore a Foreign African National/ Domicile**
25 **Country Africa** Declare and Attest that the Constitution
for the united States of America

26 Delegated from the Three Branch of Government only

27
28 Administrative Jurisdiction to the Executive Branch of
Government and its Created states Agencies, etc.

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2
3 2. the Affirmative Fact the Constitution for the united States
4 of America Delegated only to the Judicial Power to Article III
5 Court Criminal Jurisdiction to Prosecute and any explicit
6 statutory enactment protecting equal racial civil rights of
7 Legislative/ Congress out side of its Extra- territory Special
8 Maritime 10 Mile Postal /Military Border of the United states
9 in Washington D.C. (Human Rights under the Foreign Sovereign
10 Immunity Act of Foreign African National (b)Also in the
11 Constitution for **the united States of America Article 1**
12 **section 10 Prohibits the Use of EX POST FACTO Law (The Penal**
13 **Code/State law/ City Ordinance)** and in every Judicial Maritime
14 Proceeding the Administrative Judicial officer of the Peace
15 has and Will Relate before the juries state doesn't Recognize
16 the Constitution and state court administrative judicial
17 officer of the Peace will further mention the only
18 constitutional Court is the U.S. Supreme Court and all Federal
19 Rights will continue to be Ignore **Georgia v Racheal, 384 U.S.**
20 **780 (1966);Greenwood v Peacock, 384 U.S.808 (1966)** .

21 3. Andrew J. Moore is defendant in the above-entitled criminal
22 action filed in the Superior Court of San Diego Southern
23 Judicial District, Case No. Has and will Removed.

24 4. Pursuant to **28 USC 1443(1)** Only Certain Type of Criminal
25 Cases may be Removed and due to the Affirmative Fact
26 Elective Official Bonnie Dumanis , Spokespersons for the
27 Fictitious Plaintiff after a Successful Challenge Under
28

1 5. Title 5 556 D OF The Governmental Employees to Display the
2 Burden of Proof, and Disclosures of the Contract of
3 Affreightment under the Gold Fringe Flag of War, Army
4 Regulation 840-10, not to Mention the Defendant doest Know
5 the True Nature and Cause of Accusation, and the Fictitious
6 Abandon the Battle field in silence and Refuse to show how
7 a Claim of Relief can be Granted/ Order to Show Cause why a
8 Tort Claim shouldn't be issue or libel, and the state
9 court Judge failure to verified the Criminal Complaint, so
10 the Close Escrow account can be Review, so the Respondent
11 can test the Validity of what he pleading to, and if this
12 Ex Post Facto Law the Penal Code is a Valid law or another
13 Perpetrations of fraud of Legislative, for their no
14 Evidence that this penal Code that Apply to only Military
15 office and not the Public at Large for the penal has no
16 Enacting Clause, No Enforcement Act, nor did Congress or
17 Legislative Written the Penal, and the Ultimate fact this
18 none bonded law is a perpetration of fraud of legislature.

1 . Concurrently herewith Andrew J. Moore is filing a copy of this
2 Notice of Removal with the aforesaid Superior Court in which it
3 has been pending.

4 WHEREFORE, Defendant Andrew J. Moore hereby removes the above-
5 referenced action pending against her in the District Court of
6 San Diego California, Southern Judicial District to this Court.

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9 Dated: Oct 29, 2007

Respectfully submitted,

10 Andrew J. Moore

11 Andrew J. Moore, A Foreign State
12 National UCC 1-207.7 "without
13 prejudice"
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IN CUSTODY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

ANDREW JACKSON MOORE,
dob 04/14/43, Booking No. 07772194A;

Defendant

CT No. CD209248

DA No. ACC998

COMPLAINT-FELONY

INFORMATION

Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant

DNA Testing Requirements

MOORE, ANDREW JACKSON

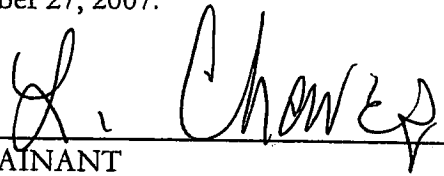
DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
2	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
3	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
4	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
5	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		
6	PC476a(a) MOORE, ANDREW JACKSON	Felony	16-2-3		

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD209248, CONSISTS OF 7 COUNTS.

Executed at San Diego, County of San Diego, State of California, on September 27, 2007.


COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

I hereby certify that the foregoing instrument is a
full, true & correct copy of the original on file in
this office, that said document has not been revoked,
annulled or set aside, and it is in full force and effect.

Attest: OCT 05 2007

Clerk of the Superior Court of the State
of California, in and for the County of San Diego

By  Deputy

**UNITED STATES DISTRICT COURT
SOUTHERN JUDICIAL DISTRICT**

DECLARATION OF SERVICE

I am over the age of 18 and I hereby attest and confirm that I
personally served an Authorized Agent of
SUPERIOR COURT OF CALIFORNIA
at their place of business known as 880 FRONT ST , San
Diego, CA 92101, and that I served the following documents:

NOTICE OF REMOVAL & EXHIBITS .

To Proof of Service, I do hereby declare to be true and correct
to the best of my knowledge and ability that I have served the
party(s) named hereon with a true copy of the document
within.

This 29TH Day Of October 2007



Signature of Person Serving

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>People of the State</u> <u>of California</u> (b) County of Residence of First Listed Plaintiff <u>San Diego</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number)	DEFENDANTS <u>Andrew J. Moore</u> <u>7107 Broadway #277</u> <u>San Diego, CA 92145</u> County of Residence of First Listed Defendant <u>San Diego</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) <div style="font-size: 2em; font-weight: bold; text-align: center;">07 CV 2059 JM (R.M.)</div>
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business in This State</td> <td style="width: 33%;">PTF <input checked="" type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input checked="" type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input checked="" type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input checked="" type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	PTF <input checked="" type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input checked="" type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 USC 1443 sec 1</u> Brief description of cause: <u>Removal of State Action to Federal Court</u>
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VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE <u>October 29, 2007</u>	SIGNATURE OF ATTORNEY OF RECORD <u>Andrew J. Moore</u>
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FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____